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10 Attorneys for Defendant  
TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 MICHAEL SIMON, individually, and on behalf  
of all others similarly situated,

17 Plaintiffs,

18 v.

19 TOSHIBA AMERICA, INC., a Delaware  
20 corporation, and TOSHIBA AMERICA  
21 INFORMATION SYSTEMS, INC., a California  
corporation,

22 Defendants.  
23  
24  
25  
26  
27  
28

Case No. C07-06202 EMC

**JOINT STIPULATION TO  
EXTEND TIME TO RESPOND  
TO COMPLAINT FOR  
DEFENDANT TOSHIBA  
AMERICA INFORMATION  
SYSTEMS, INC. ; ORDER**

Honorable Eduard M. Chen  
Courtroom C

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information  
2 Systems, Inc. ("TAIS") have discussed exploring the possibility of an early resolution of this  
3 matter and intend to continue those discussions over the next several weeks;

4 WHEREAS, plaintiff has dismissed, or will be dismissing, his Complaint against  
5 defendant Toshiba America, Inc.; and

6 WHEREAS, given and to facilitate the parties' settlement efforts, and pursuant to  
7 Local Rule 6-1(a), the parties agree that the time by which TAIS may plead or otherwise  
8 respond to the complaint shall be extended to and including March 17, 2008,

9 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY  
10 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS, on the  
11 other hand, by and through their respective undersigned counsel, as follows:

12 1. The deadline for TAIS to file and serve its initial response to the First Amended  
13 Complaint shall be extended to and including March 17, 2008;

2. This Stipulation may be executed in counterparts, each of which shall be deemed an original, but both of which, when taken together, shall constitute one and the same instrument. Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the parties hereto and the Court as though they were original signature pages.

Dated: January 24, 2008

DEAN J. ZIPSER  
ANNETTE P. CARNEGIE  
ADINA L. WITZLING  
MORRISON & FOERSTER LLP

By: 

Dean J. Zipser

Attorneys for defendant  
Toshiba America Information  
Systems, Inc.

Dated: January 23, 2008

STUART C. TALLEY  
KERSHAW, CUTTER & RATINOFF LLP

MARK J. TAMBLYN  
WEXLER TORISEVA WALLACE LLP

By: 

Stuart C. Talley

Attorneys for plaintiff  
Michael Simon

IT IS SO ORDERED:

Edward M. Chen  
U.S. Magistrate

